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EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2626

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/814,009	<b>Applicant(s)</b> RODRIGUEZ ET AL	
	<b>Examiner</b> Jerome Grant II	<b>Art Unit</b> 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 2-9-2005
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-54 is/are allowed.
- 6) ☒ Claim(s) 1-16, 18, 19, 22, 23, 25, 28, 32, 34, 37-40, 43-45 and 47-50 is/are rejected.
- 7) ☒ Claim(s) 10, 17, 20, 21, 24, 26, 27, 29-31, 33 and 36 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JEROME GRANT II  
PRIMARY EXAMINER

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: \_\_\_\_\_

1.

### **Detailed Action**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 – 9, 13-16, 18, 19, 22, 25, 28, 32, 34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Jebens.

With respect to claim 1, Jebens teaches a method for improving online access to digital images comprising: creating digital images via MAC/PC 38 according to figure 2; transferring copies of the digital images to a central server (via server 32, 44, 24 or 28 according to figure 2); transferring lower-resolution copies of the digital images to the

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central server using relatively low band width communication, according to col. 5, lines 23-27; subsequently transferring higher resolution copies of the digital images to the central server using relatively high bandwidth communication (col. 5, lines 29-35); in response to a user request for online access to the digital images from a browser, transferring said lower resolution copies to the browser for online viewing, see col. 12, lines 18-44 regarding the browser for reviewing images from server 24, see also col. 5, lines 23-26. Jebens teaches that in response to a user request for a high resolution image, transferring the higher resolution copy of that image to the browser, see col. 12, lines 18-44 regarding browser for reviewing images from server 24 and col. 5, lines 29-37 regarding transfer of high resolution images.

With respect to claim 2, see col. 1, lines 53-55.

With respect to claim 4, see col. 2, lines 19-26.

With respect to claim 5, see col. 12, lines 18-44 and col. 5, lines 29-37.

With respect to claim 6, see col. 12, lines 44-48.

With respect to claim 7, see col. 5, lines 45-53.

With respect to claim 8, see col. 5, line 50. The original size data is inherently full size image data.

With respect to claim 9, See col. 8, lines 12-14 which addresses the acquisition of high resolution images over a server 30. See col. 12, lines 26-50 that address manipulation of data over the Internet via server 24.

With respect to claim 13, Jebens teaches low resolution images transferred over the Internet via server 24, see figure 2.

With respect to claim 14, see figures 1 and 2 and col.7, lines 35-40 which discusses Internet Explorer which uses an HTTP protocol.

With respect to claim 15, see figure 2 where plural elements 14 comprise scanner 48 which is connected to server 24.

With respect to claim 16, Jebens teaches creating a tape archive (items recorded on digital files); and transferring information from the tap to the central server (anyone of servers 22, 24, 26, 28, 30 and 32) This information is also stored on a database.

With respect to claim 18, see col. 8, lines 12-36 regarding the electronic data transfer.

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With respect to claim 19, see col. 5, lines 55-60 of Jebens.

With respect to claim 22, Jebens teaches transferring the low res. Copies from the server 24 to the Web site (Telecom Inter/Internet), see figure 2; and transferring low res. Copies of the copies of the digital images using high speed network. See col. 5, lines 20-36.

With respect to claim 25, images are stored on a mini server (other servers fro 22, 26, 28, 30 and 32), see figure 2.

With respect to claim 28, servers 22, 24, 26, 28, 30 and 32 can be identified by a claim ID.

With respect to claim 32, this limitations is inherent in that if the user selects this function through the user interface, 12, 14 and 16.

With respect to claim 34, see scanner 48.

With respect to claim 35, this limitations is inherent in Jebens according to the teaching at col. 5, lines 55-60.

2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens in view of Schaeffer.

Jebens teaches all of the subject matter upon which the claim depends. While Jebens mentions taking images from transparencies the reference does not show that the transparencies were from digitized photographs. Assuming one could argue that the transparencies are not photos, Schaeffer teaches a scanner 60 for digitizing negatives, see col. 2, lines 7-10.

Since, Jebens and Schaeffer are both directed toward digitizing images and the processing of them, the purpose of digitizing photographs would have been recognized by Jebens as set forth by Schaeffer.

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It would have been obvious to replace or modify scanner 48, shown in figure 2, with the scanner 60 of Schaeffer so that one may read and digitize photographs.

3.

Claim 11 and 12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens in view of Cao.

With respect to claim 11, Jebens teaches all of the subject matter upon which the claim depends except for the specific teaching of enlarging the digital image.

Cao teaches a zoom function for enlarging image, see paragraph 18.

Since, Jebens teaches a client browser for processing image data, and Cao teaches a zoom function as an image processing function, the purpose of enlarging an image would have been recognized by Jebens as set forth by Cao. It would have been obvious to modify the client browser in figure 2 to accommodate the processing of images from unit 14 by enlarging the images, as set forth by paragraph 18 of Cao.



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With respect to claim 12, Jebens teaches all of the subject matter upon which the claim depends. Jebens suggests images are displayed at low resolution. But, Cao teaches displaying image in full resolution (high resolution), see paragraph 18. Since Jebens and Cao are both in the art of image processing of digital images, the purpose of displaying images in high resolution would have been recognized in Jebens as set forth in Cao.

It would have been obvious to modify the server 24 of Jebens so that it uses the same software or hardware as explained by server 18 of Cao to allow the viewer to see full images as taught at para. 18 of Cao the low resolution image transferred over the Internet via server 24, see figure 2.

4.

#### **Claims Objected**

Claims 10, 17, 20, 21, 24, 26, 27, 29-31, 33 and 36 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5.

#### Examiner's Remarks

Applicant's remarks have been considered but are unpersuasive to allow the claims. Applicant argues that claims 1, 2, 4-9, 13-16, 18, 19, 22, 25, 28, 32, 34 and 35 are not anticipated over Jebens for the reason that Jebens is directed toward low resolution images from a central server whereas the present invention is directed toward low resolution images being transferred to the central system. The examiner relied upon specific evidence from the Jebens reference is support for the rejection. However, applicant did not address this or recite how the limitations relied upon by the examiner would not anticipated the claims. The examiner stated that digital images are sent to a central server (via server 32, 44, 24 or 28 according to figure 2). Lower-resolution copies of the digital images are transferred to the central server using relatively low bandwidth communication, according to col. 5, lines 23-27. Hence, the examiner contends that this limitation is taught by the reference.

With respect to the arguments addressing claims 37-54, these claims are allowed based upon the persuasiveness of the arguments, especially regarding the low-volume transport mechanism 47-50 as recited in claim 37.

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6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 571-272-7463. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 571-272-7471. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JEROME GRANT II  
PRIMARY EXAMINER

J. Grant II